

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
O.O.C.J.

APPEAL NO.672 OF 2004  
IN  
CHAMBER SUMMONS NO.1460 OF 2003  
IN  
EXECUTION APPLICATION NO.388 OF 2003  
IN  
SUIT NO.3550 OF 1990

Rangnath Haridas, Prop. of  
Monocast Engineering

.. Appellant

v/s.

Dr. Shrikant B. Hegde

.. Respondent

Mr.Birendra Saraf i/by M/s.S.Ashwinikumar & Co.  
for appellant.

Mr.S.B.Prabhavalkar for respondent.

**CORAM : R.M.LODHA AND**  
**J.P.DEVADHAR, JJ.**

**DATED : 21st October, 2004**

**P.C.**

Heard the learned counsel for the appellant.

2. It is contended that the leave under Order 21 Rule 22 CPC having not been sought by the respondent, the impugned order is illegal. The learned counsel relies upon the judgment of the learned single Judge of this court in the case of M/s.Bhurmal Kapurchand and Co. v. M/s.Premier Machine Tools Co., AIR 1977, Bombay 305.

3. We do not find that the objection raised before us was raised before the learned Chamber Judge.

4. The learned Chamber Judge held that consent terms were valid and subsisting and, accordingly, passed the impugned order.

5. We do not find any infirmity in the impugned order warranting interference. Appeal is dismissed in limine.

**(R.M.LODHA, J.)**

**(J.P. DEVADHAR, J.)**